

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DEBRA MAYS JACKSON

PLAINTIFF

VS.

CIVIL ACTION NO. 3:23-cv-03095-KHJ-MTP

TOM DUFF, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITIES, STEVEN
CUNNINGHAM, IN HIS INDIVIDUAL AND OFFICIAL
CAPACITIES, BRUCE MARTIN, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITIES, JEANNE CARTER LUCKEY,
IN HER INDIVIDUAL AND OFFICIAL CAPACITIES,
CHIP MORGAN, IN HIS INDIVIDUAL AND OFFICIAL
CAPACITIES, GEE OGLETREE, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITIES, HAL PARKER, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITIES, J. WALT
STARR, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES,
ALFRED E. MCNAIR, JR., IN HIS INDIVIDUAL AND
OFFICIAL CAPACITIES, SHANE HOOPER,
IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES,
FORD DYE, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES,
ORMELLA CUMMINGS, IN HER INDIVIDUAL AND OFFICIAL
CAPACITIES, TERESA HUBBARD, IN HER INDIVIDUAL AND
OFFICIAL CAPACITIES, GREGG RADER, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITIES, ALFRED RANKINS,
IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES,
BOARD OF TRUSTEES OF THE INSTITUTIONS
OF HIGHER LEARNING, AND JOHN DOES 1-12

DEFENDANTS

INDIVIDUAL DEFENDANTS' NOTICE OF APPEAL

Notice is hereby given pursuant to Federal Rules of Appellate Procedure 3 and 4, that Defendants Tom Duff, Steven Cunningham, Bruce Martin, Jeanne Carter Luckey, Chip Morgan, Gee Ogletree, Hal Parker, and J. Walt Starr, all in their individual capacities (the "Individual Defendants"), hereby appeal to the United States Court of Appeals for the Fifth Circuit from that portion of the District Court's Order dated January 6, 2025 [Doc. 58] denying in part their entitlement to qualified immunity as to Plaintiff's claims. A district court's order denying an assertion of qualified immunity is considered a "final decision" that can be immediately appealed

and over which the United States Court of Appeals has jurisdiction pursuant to 28 U.S.C. §1291. *See Mitchell v. Forsyth*, 472 U.S. 511 (1985); *Carty v. Rodriguez*, 211 Fed. Appx. 292, 293 (5th Cir. 2006). The filing of this appeal stays any further proceedings as to the Individual Defendants during the pendency of the appeal. *Carty*, 211 Fed. Appx. at 293. Moreover, pursuant to *Ashcroft v. Iqbal*, the filing of this appeal serves to stay discovery, cabined or otherwise, against all Defendants. *See Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *see also Carswell v. Camp*, 54 F.4th 307, 313 (5th Cir. 2022).

THIS, the 15th day of January 2025.

Respectfully submitted,

TOM DUFF, STEVEN CUNNINGHAM,
BRUCE MARTIN, JEANNE CARTER LUCKEY,
CHIP MORGAN, GEE OGLETREE, HAL
PARKER, J. WALT STARR, ALL IN THEIR
INDIVIDUAL CAPACITIES

/s/ J. Andrew Mauldin

POPE S. MALLETT (MB NO. 9836)
J. ANDREW MAULDIN (MB NO. 104227)
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